

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02503-WJM-MJW

STEVEN A. STENDER,
HAROLD SILVER, and
INFINITY CLARK STREET OPERATING, L.L.C., on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

ARCHSTONE-SMITH OPERATING TRUST,
ARCHSTONE-SMITH TRUST,
ERNEST A. GERARDI, JR,
RUTH ANN M. GILLIS,
NED S. HOLMES,
ROBERT P. KOGOD,
JAMES H. POLK III,
JOHN C. SCHWEITZER,
R. SCOT SELLERS,
ROBERT H. SMITH,
STEPHEN R. DEMERITT,
CHARLES MUELLER, JR.,
CAROLINE BROWER,
MARK SCHUMACHER,
ALFRED G. NEELY,
LEHMAN BROTHERS HOLDINGS, INC.,
TISHMAN SPEYER DEVELOPMENT CORPORATION,
RIVER HOLDING, LP,
RIVER TRUST ACQUISITION (MD), LLC,
RIVER ACQUISITION (MD), LP
ARCHSTONE MULTIFAMILY SERIES I TRUST,
JOHN DOES 1-8,
ARCHSTONE, INC.,
AVALONBAY COMMUNITIES, INC.,
ARCHSTONE ENTERPRISE LP,
ERP OPERATING LIMITED PARTNERSHIP, and
EQUITY RESIDENTIAL,

Defendants.

MINUTE ORDER

It is hereby ORDERED that the Archstone Defendants' Motion to Compel the Production of Documents and Discovery Responses (Docket No. 353) is GRANTED. Plaintiffs' tax records are plainly relevant to the claims and defenses of the parties in this case. See Fed. R. Civ. P. 26(b)(1). Although Plaintiffs contend that they do not rely on their own tax information for their theory of damages, it does not follow that the records are therefore irrelevant; the records might very well be relied on to *rebut* Plaintiffs' theory of damages, for example. Plaintiffs made no other objection (*i.e.*, that the documents do not pertain to class-certification issues, are already in Defendants' knowledge, etc.) in opposing this motion, and the Court therefore deems any such objections waived.

It is further ORDERED that:

- Plaintiffs shall serve responses to the Archstone Defendants' "Tax-Related Discovery Requests" on or before June 8, 2015; and
- Plaintiffs shall pay the Archstone Defendants' reasonable and necessary attorneys' fees and costs related to this Motion to Compel (Docket No. 353) pursuant to Fed. R. Civ. P. 27(d)(3). The parties shall meet and confer and, if possible, stipulate to the fees and costs to be paid pursuant to this order. If the parties can agree, the Archstone Defendants shall file a notice to that effect on or before June 8, 2015. If the parties cannot agree, the Archstone Defendants shall file an affidavit of its reasonable and necessary attorneys' fees and costs related to this Motion to Compel (Docket No. 353) on or before June 8, 2015, with briefing to follow under D.C.COLO.LCivR 7.1(d).

Date: May 18, 2015
